

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of May 19, 2009 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Davina Ryzska commented on the DVD that she had submitted to Council and staff for review.

**Public Hearing: Special Events Permit Application
Hospice & Palliative Care of Western Colorado**

The Mayor closed the regular meeting and convened a public hearing.

The Clerk explained that Hospice & Palliative Care of Western Colorado has submitted an application for a special events liquor permit for a fund raising event at Bill Heddles Recreation Center on September 12, 2009. The application is complete and all fees have been paid. A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. She stated that there have been no comments for or against the approval of this permit.

The Mayor called for public comment, when there were none she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to approve the Hospice & Palliative Care of Western Colorado's application for a special events liquor permit for September 12, 2009. All in favor, motion carried.

**Parade and Street Closure Permit/Permit for Temporary Closure
Chamber of Commerce**

City Manager Lanny Sloan recommended the approval of the parade and street closure permit submitted by the Chamber of Commerce for the Deltarado Days Parade on July 18, 2009. He stated that this does include use of the City owned parking lot for a yard sale.

It was moved by Councilmember Carlquist seconded by Councilmember Jurca to approve the Parade and Street Closure Permit and a Special Permit for Temporary Closure submitted by the Chamber of Commerce. All in favor, motion carried.

**Council Bill #3, 2009: First Reading
Prohibiting the Possession and Use of Fraudulent Identification Documents**

Council Bill #3, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
ADDING SECTION 9.04.280 TO THE DELTA MUNICIPAL CODE
FOR THE PURPOSE OF PROHIBITING THE POSSESSION
AND USE OF FRAUDULENT IDENTIFICATION DOCUMENTS.

was read by the Clerk.

Regular Meeting, Delta City Council, June 2, 2009 (Cont.)

Council Bill #3, 2009 (cont.)

Chief Robert Thomas reported that there has been a significant increase in youth using fraudulent identification to purchase alcoholic beverages. He stated that they are trying to locate the source which has been difficult. Chief Thomas stated that having the opportunity to visit Municipal Court and hear how Judge Fairlamb addresses youth within the community, he feels that youth are better served with Municipal Court. In County Court youth get lost in the system.

Councilmember Seuell asked if it is a violation of state law, the defendant goes to County Court and if this is adopted any violations would then go to Municipal Court.

Chief Thomas stated that is correct. He explained that when Judge Fairlamb addresses youth he is very stern and pretty tough, this is why he feels it would be beneficial to have this in Municipal Court rather than County Court.

Councilmember Jurca questioned what the current work load is in Municipal Court.

Court Clerk Jolene Nelson explained the current case load.

Attorney Michael Schottelkotte stated that practically speaking it is good to have an ordinance like this.

Councilmember Jurca questioned how County Court handles these types of cases.

Chief Thomas stated that it all depends on if the defendant is a repeat offender. Usually it is probation and fines.

Councilmember Carlquist stated that she is in favor of this more because of the statements of how Judge Fairlamb handles the cases.

Chief Thomas reported that County Court dockets are extremely large and there are times defendants are just shuffled through the system.

There was discussion on section B regarding identification documents.

The City Attorney explained that Chief Thomas did use the alcohol setting as the primary motivator for this ordinance; it does apply to any misuse of official identification.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to adopt Council Bill #3, 2009 on first reading. Roll call vote: Councilmembers Jurca aye, Seuell aye, Pfalzgraff aye, Carlquist aye and Cooper aye. Motion carried.

Council Bill #4, 2009: First Reading
Prohibiting Camping on Public or Private Property

Council Bill #4, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
ADDING SECTION 9.04.270 TO THE DELTA MUNICIPAL CODE
FOR THE PURPOSE OF PROHIBITING CAMPING ON PUBLIC
OR PRIVATE PROPERTY WITHOUT PRIOR PERMISSION.

was read by the Clerk.

Chief Robert Thomas reported that there is an increase in transients moving to the City of Delta and it's just a matter of time before they will have their signs on the curbs. He is also seeing individuals camping in the parks within the City. Not only are there safety issues these individuals are leaving behind their debris which creates more work for the parks department. He is proposing this ordinance that in the instance an officer contacts an individual that has been camping within the City, the officer give a warning for the first time for the camping ordinance. After the first warning, the second offense would result in a summons being issued and the third offense an arrest. He stated that it is important to address the issue because it's not going to get better anytime soon.

Regular Meeting, Delta City Council, June 2, 2009 (Cont.)

Council Bill # 4, 2009 (cont.)

Chief Thomas explained that for private property he feels that it is important to give the property owner the power in terms of who is camping on their property. He is suggesting that giving the homeowner the authorization through an affidavit of trespass. Chief Thomas explained the affidavit of trespass.

Councilmember Pfalzgraff questioned how this would differ from a trespass type of situation.

Chief Thomas stated that it is similar to a trespass. However, it would bring the individuals to Municipal Court.

Councilmember Jurca asked what recourse he would have if an individual was camping on his property.

Chief Thomas explained that at this time they could be cited for trespass. However, if an individual were to camp when the homeowner was not home and there was an affidavit of trespass the officers would be informed that individuals could be summonsed and/or arrested with your permission.

There was discussion regarding camping in the parks within the City.

Councilmember Pfalzgraff questioned what this ordinance covers that the current trespass ordinance does not.

Chief Thomas explained that he feels that there is a difference between trespassing and camping. There are individuals that are camping underneath the bridge and he feels that should not be permitted.

The City Attorney stated that there is not a necessity in talking about private property within this ordinance. However, if there are areas of public property that might be otherwise considered to be alright for camping or not specifically prohibited it is done by ordinance like this.

There was discussion regarding property underneath the bridge being State property.

Councilmember Pfalzgraff commented on the broadness of the ordinance.

Mayor Cooper asked Chief Thomas if he would give some generic incidents that called for this need.

Chief Thomas responded that based on his observations and repeated complaints prompted him to present this ordinance.

Councilmember Jurca stated that his concern is the private property portion of this ordinance.

Mayor Cooper asked if Councilmember Jurca was suggesting tabling this ordinance and sending it back for rewording.

There was discussion regarding the current trespass ordinance.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to table Council Bill #4, 2009 until it can be reworded and brought back before Council. All in favor, motion carried.

Council Bill #5, 2009; First Reading
Feral Cat Colonies

Council Bill #5, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
ADDING A NEW SUBSECTION 6.04.170 TO CHAPTER 6.04 OF
THE DELTA MUNICIPAL CODE AUTHORIZING VOLUNTEER
MANAGEMENT OF FERAL CAT COLONIES.

was read by the Clerk.

Regular Meeting, Delta City Council, June 2, 2009 (Cont.)

Council Bill #5, 2009 (cont.)

Chief Thomas stated that he was presented with the task to develop solutions for the feral cat problem within the City. Jackie Schoonover, Melissa Heinzen, Gilberta Mathews and Tammy Holden assisted with developing an ordinance to address the feral cat issue. He stated that the feral cat issue is not going to go away anytime soon. The goal of this ordinance is to allow individuals to care for the welfare of feral cats and to manage those colonies.

Councilmember Pfalzgraff stated that one of the main components of the ordinance is to register with Animal Control.

Chief Thomas responded that they will also develop a registry of those citizens who are caring for feral cats. He also stated that there have been various locations here in the City that are operating feral cat colonies and explained how they work.

Councilmember Carlquist questioned wording on section C of the ordinance.

City Attorney Schottelkotte presented corrected wording. He also stated that this decriminalizes certain activities that would be otherwise criminal under the other sections of the animal control ordinances.

Mayor Cooper questioned if the individuals assisted with this ordinance is an agreement with the current document

Chief Thomas stated that they are.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #5, 2009 on first reading with the word change in section C. Roll call vote: Councilmembers Jurca aye, Seuell aye, Pfalzgraff aye, Carlquist aye and Cooper aye. Motion carried.

Mountain View Medical Park Preliminary Plat Revisions

Community Development Director Glen Black stated that the applicant has proposed changes to the accesses and explained those changes. Planning Commission has recommended approval of the proposed changes with all previous requirements to remain in full effect.

It was moved by Councilmember Seuell and seconded by Councilmember Carlquist to approve the revised Mountain View Medical Park Preliminary Plat. All in favor, motion carried.

Three Mile Plan

Community Development Director Glen Black reported that CRS 31-12-105(e)(I) requires the City to review and update annually the plan which considers areas within three miles of the City's boundaries.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the Three Mile Plan as presented. All in favor, motion carried.

City Attorney Comments

City Attorney Michael Schottelkotte stated that in light of the discussion on the three ordinances that were presented tonight Council may want to consider having in place preliminary discussion on future ordinances.

City Manager Comments

There was none.

Councilmember Comments

Mayor Cooper reported that she has received a letter from Union Pacific Railroad inviting her to a life saver train ride on Sunday, June 14th. She stated that she is unable to participate and offered the invitation to Council.

Regular Meeting, Delta City Council, June 2, 2009 (Cont.)

Executive Session

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to convene an Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions pursuant to CRS 24-6-402(4)(b), or more specifically discussion on the Simonds litigation. All in favor, motion carried.

At 7:54 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 8:27 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, Bill Seuell and Guy Pfalzgraff, along with City Manager Lanny Sloan, Community Development Director Glen Black, City Attorney Mike Schottelkotte and City Clerk Jolene Nelson. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

Jolene E. Nelson, City Clerk